

75hen  
24723

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

**FILE:** B-210951

**DATE:** April 4, 1983

**MATTER OF:** Amacor Industries, Inc.

**DIGEST:**

GAO will not consider a protest raised by a potential supplier to a disappointed bidder alleging that the awardee's bid was nonresponsive. The protester, who is ineligible for award, is not an interested party under GAO Bid Protest Procedures.

Amacor Industries, Inc., protests an award made to Westco on Federal Project No. 620-82-107, for the replacement of windows at the Veterans Administration Hospital, Montrose, New York. We dismiss the protest because Amacor is not an interested party.

Amacor argues that the Graham Architectural Product's Model No. 475-G windows offered by Westco did not meet invitation requirements for testing and certification and that the bid was therefore nonresponsive. Amacor contends that Architectural Sash of New Jersey and New York, Inc. tendered the low, responsive bid, which specified installation of Amacor's Model No. 610 windows.

Under our Bid Protest Procedures, a party must be "interested" before we will consider its protest on the merits. 4 C.F.R. § 21.1(a) (1982). In determining whether a party is sufficiently interested, we will examine the degree to which the asserted interest is both established and direct. As a general rule, we will not consider a party's interest to be sufficient where that party would not be eligible for award even if the issues raised were resolved in its favor. Radix II, Incorporated, B-208557.2, September 30, 1982, 82-2 CPD 302; Interscience Systems; Amperif Corporation, B-201943; B-202021, August 31, 1982, 82-2 CPD 187.

025090

Amacor appears to be a potential supplier to Architectural Sash, and not itself a bidder. While we have found a non-bidder to be an interested party when, for example, no other party had a greater interest in the issue raised and there was a possibility that the non-bidder's interest would not otherwise be adequately protected, here the disappointed bidders have the primary interest in the issue raised, i.e., the responsiveness of Westco's bid. See Rosendin Electric, Inc., 60 Comp. Gen. 271 (1981), 81-1 CPD 119; Radix II, Incorporated, B-208557.3, November 29, 1982, 82-2 CPD 484. None of those bidders has protested. Therefore, we view Amacor as not an interested party.

The protest is dismissed.

*Harry R. Van Cleve*  
Harry R. Van Cleve  
Acting General Counsel